

Exhibit 3

Jeff Eichmann

From: Jeff Eichmann [<mailto:jeff@dovellaw.com>]
Sent: Monday, November 09, 2009 10:04 PM
To: Greene, Bert
Cc: jeff@dovellaw.com; christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfirm.com
Subject: Re: Eichmann to counsel 11'9'09 re Defs' responses to rog 1

Bert,

Network-1 does not accept Defendants' counter-proposal.

We believe Network-1 is entitled to uncover the basis for Defendants' pleaded denials of infringement, and affirmative allegations of non-infringement. Furthermore it is not for Defendants to choose the manner(s) by which we obtain that information.

In addition, Defendants' proposal does not appropriately account for issues of compoundness and is so heavily qualified that any supplemental interrogatory response would be of little or no use. The proposal would allow Defendants to disclose one set of non-infringement contentions in their interrogatory responses, have those analyzed and addressed by Network-1 and its expert, and then come back in rebuttal reports with a whole new set of contentions not previously disclosed or addressed in discovery.

We feel that our proposal was appropriate under relevant authority and provided a compromise that was more than fair to Defendants. We do not feel it is appropriate to further limit our access to information that we are entitled to with another counter-proposal.

Please advise as to the availability of Defendants' lead and local counsel for a meet and confer call tomorrow 11/10 on the interrogatory and deposition issues discussed below. If Defendants as a group are not available tomorrow, then we will proceed with our meet and confer efforts with the Defendants individually and ask that each Defendant provide their availability. There is no requirement that we meet and confer globally with all Defendants and that has proven to be a more sluggish and less efficient process than the sum of its parts, whether that has been Defendants' intention or not.

We are available at any time tomorrow.

Regards,

Jeff

From: Greene, Bert [<mailto:ggreene@fulbright.com>]
Sent: Monday, November 09, 2009 4:20 PM
To: 'jeff@dovellaw.com'
Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfirm.com
Subject: RE: Eichmann to counsel 11'9'09 re Defs' responses to rog 1

Jeff:

Defendants cannot agree to your latest proposal as written, but they are willing to offer another counter-proposal:

NW-1's interrogatory no.1:

Defendants will collectively respond to this interrogatory with a substantive response that identifies, without prejudice to Defendants' right to amend, revise, or supplement the response as the case develops, or the right to assert different or additional grounds in the expert reports, which elements of the

asserted claims are not present in the accused products. This interrogatory continues to count as only one interrogatory against Network-1's limit in the Discovery Order.

Defendants' interrogatory no. 1:

NW-1 will respond to this interrogatory with a substantive response that identifies, without prejudice to NW-1's right to amend, revise, or supplement the response as the case develops, or the right to assert different or additional grounds in the expert reports, which elements of the asserted claims are not present in the prior art references identified in Defendants' invalidity contentions. This interrogatory continues to count as only one interrogatory against Defendants' limit in the Discovery Order.

Defendants' interrogatory no. 7:

NW-1 will provide a supplemental response, as indicated in your e-mail of 11/3/09.

NW-1's Rule 30(b)(6) deposition notices:

Defendants will each provide a Rule 30(b)(6) witness to testify as to, among other things, how their respective accused products operate, and Network-1 will withdraw its Rule 30(b)(6) deposition topics that pertain to the issues of claim construction, non-infringement, or invalidity.

If this proposal is acceptable to NW-1, please let us know so we can discuss timing for the supplementation.

Regards-

Bert

From: Jeff Eichmann [mailto:jeff@dovellaw.com]

Sent: Monday, November 09, 2009 11:31 AM

To: Greene, Bert

Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfir.com

Subject: Eichmann to counsel 11'9'09 re Defs' responses to rog 1

Bert,

Please advise us of Defendants' response. If Defendants remain unable or unwilling to respond at this time, or their response is a rejection in whole or in part of Network-1's proposal, we request that Defendants' lead and local counsel make themselves available for a call today so that the parties can resolve this issue.

Thank you.

Jeff

From: Greene, Bert [mailto:ggreene@fulbright.com]

Sent: Thursday, November 05, 2009 3:59 PM

To: 'jeff@dovellaw.com'

Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfir.com

Subject: RE: Eichmann to counsel 11'5'09 re Defs' responses to rog 1

Jeff:

I just learned that Defendants will not be in a position to respond to Network-1's proposal until Monday of next week.

Regards-

11/12/2009

Bert

From: Jeff Eichmann [mailto:jeff@dovellaw.com]
Sent: Thursday, November 05, 2009 4:07 PM
To: Greene, Bert
Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfir.com
Subject: Eichmann to counsel 11'5'09 re Defs' responses to rog 1

Bert,

Please let me know whether Defendants accept Network-1's proposal.

Thank you.

Jeff

From: Greene, Bert [mailto:ggreene@fulbright.com]
Sent: Tuesday, November 03, 2009 8:19 PM
To: 'jeff@dovellaw.com'
Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfir.com
Subject: RE: N-1: Eichmann to counsel 10'30'09 re Defs' responses to rog 1

Jeff:

Thanks for the e-mail. I wanted to give you a heads-up that Defendants have not yet been able to confer about the modified proposal you sent this afternoon, and thus it is unlikely that we will be able to provide you a response by your requested deadline of tomorrow morning. We will endeavor to get you a response as soon as reasonably possible, and I will do my best to keep you posted as to the status.

Regards-

Bert

From: Jeff Eichmann [mailto:jeff@dovellaw.com]
Sent: Tuesday, November 03, 2009 1:32 PM
To: Greene, Bert
Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David; jw@jwfir.com
Subject: RE: N-1: Eichmann to counsel 10'30'09 re Defs' responses to rog 1

Bert:

Thank you for responding in the time frame requested. I have the following reply and modified proposal.

Defendants' objections to Network-1's interrogatory no. 1

I don't know whether you've had a chance to review the opinions cited in my letter. I am attaching the order from

11/12/2009

the Performance Pricing case, as well as the motion to compel that led to the order. As you can see, this is a case my firm handled where the same interrogatory at issue here was propounded to the defendant in that case and objected to on the same grounds. The Court (Magistrate Judge Love, in a case to be tried by Judge Davis) overruled the objections and ordered a response. It does not appear that discovery matters in this case have been referred to the Magistrate, but regardless of whether they are if/once motions are filed, we feel that Judge Davis' analysis is likely to be in line with that of Judge Love.

Network-1's objections to Defendants' interrogatory no. 1

The issue of whether an interrogatory such as this one is compound has also been litigated in this district. See attached opinion by Judge Davis in the Orion v. Staples case. We feel we our objection will be sustained if motion practice were brought.

Network-1's objections to Defendant's interrogatory no. 7

Your observation that Network-1 has not objected to this interrogatory on compoundness grounds is correct. In addition, I have reconsidered the objections we assert and feel it is appropriate for Network-1 to provide a supplemental response.

Proposal

To resolve this dispute, we propose:

1. Network-1 provides a supplemental, substantive response to interrogatory no. 1 for one prior art reference to be identified by Defendants. Network-1 will provide responses for up to two additional references identified by Defendants provided that each additional reference is counted toward Defendants' allotment of interrogatories under the Discovery Order.
2. Defendants will each provide supplemental, substantive responses to Network-1's interrogatory no. 1 for one of their respective accused instrumentalities to be identified by Network-1. Defendants will provide responses for up to two additional products to be identified by Network-1 provided that each additional product is counted toward Network-1's allotment of interrogatories under the Discovery Order.

As you can see, we are willing to limit the number of devices encompassed by our interrogatory to Defendants. I believe this is a good compromise for Defendants, particularly as none of the Defendants (except Foundry) has asserted compoundness objections to Network-1's interrogatory.

Please let me know by tomorrow (11/4) morning whether Defendants will agree to this proposal and if they do we can discuss timing. If Defendants do not agree, please let me know when lead and local counsel are available to meet and confer on 11/4 or 11/5.

Thank you.

Jeff

From: Greene, Bert [mailto:ggreene@fulbright.com]

Sent: Monday, November 02, 2009 7:07 PM

To: 'jeff@dovellaw.com'

Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com; mark.selwyn@wilmerhale.com; boses@howrey.com; extremenetworks@jonesday.com; Network1.Enterasys@vblaw.com; vcole@stblaw.com; Bahler, David

Subject: RE: N-1: Eichmann to counsel 10'30'09 re Defs' responses to rog 1

11/12/2009

Jeff:

In response to your letter of October 30, 2009, I am writing to inform you that Defendants stand by their respective objections to Network-1's interrogatory no. 1, including that the information sought is protected from disclosure at this stage by the attorney-client privilege and/or work product doctrine. However, Defendants would be willing to consider providing a substantive response to Network-1's interrogatory no. 1 if Network-1 would be willing to similarly provide substantive responses to Defendants' interrogatory nos. 1 and 7. Please note that Defendants disagree with Network-1's position that Defendants' interrogatory no. 1 is compound, and therefore Defendants' offer in this regard does not include Defendants limiting their interrogatory no. 1 to a single prior art reference. Please also note that Network-1 did not raise a "compoundness objection" to Defendants' interrogatory no. 7.

If you wish to confer further about these issues, please let Defendants know. Otherwise, please propose a date by which the parties would exchange their respective interrogatory supplementations.

Regards-

Bert Greene

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From: Jeff Eichmann [mailto:jeff@dovellaw.com]

Sent: Friday, October 30, 2009 3:14 PM

To: mark.selwyn@wilmerhale.com; boses@howrey.com; Greene, Bert; extremenetworks@jonesday.com; Network1.Enterasys@vbllaw.com; vcole@stblaw.com

Cc: christin@dovellaw.com; luner@dovellaw.com; greg@dovellaw.com

Subject: N-1: Eichmann to counsel 10'30'09 re Defs' responses to rog 1

Counsel:

Please see attached letter.

Jeff

11/12/2009